

Appendix A

Marked-Up Version of the Claims
Application No: 09/813,214
Attorney Docket No. 7969-089-999

[Addition indicated by underlining deletion indicated by brackets]

7. (Amended) The OMP106 polypeptide of claim 1, which specifically binds an antibody that specifically binds the sequence of SEQ ID NO. 1 [or a fragment thereof].

8. (Amended) The OMP106 polypeptide of claim 1, which specifically binds an antibody that specifically binds the sequence of SEQ ID [NO: 2] NO. 11.

11. (Amended) The OMP106 polypeptide of claim [9]1, which comprises the sequence of SEQ ID NO. 1.

12. (Amended) The OMP106 polypeptide of claim 11, which additionally comprises the sequence of SEQ ID [NO: 2] NO. 11.

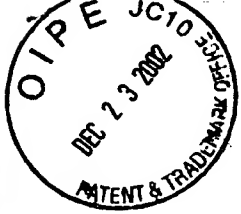
19. (Amended) A vaccine comprising the OMP106 polypeptide of any of claims 1, 2, [5 or 9] or 5.

21. (Amended) An antigenic composition comprising the OMP106 polypeptide of any of claims 1, 2 [5 or 9] or 5.

27. (Amended) A method of producing an immune response in an animal comprising immunizing the animal with an effective amount of the OMP106 polypeptide of any of claims 1, 2 [5 or 9] or 5.

34. (Amended) [The OMP polypeptide of claim 33, which comprises the] An isolated or substantially pure OMP106 polypeptide comprising a sequence of SEQ ID NO. 10.

40. (Amended) A method of producing an immune response in an animal comprising immunizing an animal with an effective amount of the OMP106 polypeptide of claim [33] 34.



Appendix B

*Clean version of the Claims
Pending Upon Entry of Submission
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1. An isolated or substantially pure OMP106 polypeptide, which is an outer membrane polypeptide of *Moraxella catarrhalis*, and has a molecular weight of about 180 kD to about 230 kD as determined in SDS polyacrylamide gel electrophoresis using rabbit skeletal muscle myosin and *E. coli* β -galactosidase as the 200 kD and 116.25 kD molecular weight standards, respectively.
2. The OMP106 polypeptide of claim 1, which has a molecular weight of about 190 kD.
3. The OMP106 polypeptide of claim 1, which is an outer membrane polypeptide of *Moraxella catarrhalis* strain selected from the group consisting of ATCC 25238, ATCC 25240, ATCC 43617, ATCC 43618, ATCC 43627, ATCC 43628 and ATCC 49143.
4. The OMP106 polypeptide of claim 3, which *Moraxella catarrhalis* strain is ATCC 49143.
5. The OMP106 polypeptide of claim 3, wherein the *Moraxella catarrhalis* is a hemagglutinating cultivar.
6. The OMP106 polypeptide of claim 1, which reacts with silver stain.
7. (Amended) The OMP106 polypeptide of claim 1, which specifically binds an antibody that specifically binds the sequence of SEQ ID NO:1.
8. (Amended) The OMP106 polypeptide of claim 1, which specifically binds an antibody that specifically binds the sequence of SEQ ID NO: 11.

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11. (Amended) The OMP106 polypeptide of claim 1, which comprises the sequence of SEQ ID NO:1.

12. (Amended) The OMP106 polypeptide of claim 11, which additionally comprises the sequence of SEQ ID NO: 11.

13. An isolated antibody that specifically binds the OMP106 polypeptide of claim 1 or a fragment thereof.

14. An isolated antibody that specifically binds the OMP106 polypeptide of claim 9 or a fragment thereof.

15. An isolated antibody that specifically binds the OMP106 polypeptide of claim 11 or a fragment thereof.

16. The isolated antibody of claim 13 or 14, which is a cytotoxic antibody that mediates complement killing of *Moraxella catarrhalis*.

19. (Amended) A vaccine comprising the OMP106 polypeptide of any of claims 1, 2, or 5.

21. (Amended) An antigenic composition comprising the OMP106 polypeptide of any of claims 1, 2, or 5.

27. (Amended) A method of producing an immune response in an animal comprising immunizing the animal with an effective amount of the OMP106 polypeptide of any of claims 1, 2, or 5.

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29. A method of producing a non-hemagglutinating cultivar of *M. catarrhalis* from a HA *M. catarrhalis* strain or cultivar, which comprises serially passaging a HA *M. catarrhalis* strain or cultivar in static liquid cultures.

34. (Amended) An isolated or substantially pure OMP106 polypeptide which comprises the sequence of SEQ ID NO:10.

35. An isolated antibody that specifically binds the OMP106 polypeptide of claim 33 or a fragment thereof.

40. (Amended) A method of producing an immune response in an animal comprising immunizing an animal with an effective amount of the OMP106 polypeptide of claim 34.

42. (New) A vaccine comprising the OMP106 polypeptide of any one of claims 1-6.

43. (New) A vaccine comprising the OMP106 polypeptide of any one of claims 7, 8, 11 or 12.

44. (New) An antigenic composition comprising the OMP106 polypeptide of any one of claims 1-6 and a pharmaceutically acceptable carrier.

45. (New) An antigenic composition comprising the OMP106 polypeptide of any one of claims 7, 8, 11 or 12 and a pharmaceutically acceptable carrier.

46. (New) A vaccine comprising the OMP106 polypeptide of any one of claims 1-6 and an adjuvant.

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47. (New) A vaccine comprising the OMP106 polypeptide of any one of claims 7, 8, 11 or 12 and an adjuvant.
48. (New) A vaccine comprising the OMP106 polypeptide of claim 34.
49. (New) A vaccine comprising the OMP106 polypeptide of claim 34 and an adjuvant.
50. (New) An antigenic composition comprising the OMP106 polypeptide of Claim 34.
51. (New) An antigenic composition comprising the OMP106 polypeptide of Claim 34 and a pharmaceutically acceptable carrier.
52. (New) The OMP106 polypeptide of claim 1, which specifically binds an antibody that specifically binds the sequence of SEQ ID NO. 10.
53. (New) An antigenic composition comprising the OMP106 polypeptide of claim 52.
54. (New) An antigenic composition comprising the OMP106 polypeptide of claim 52 and a pharmaceutically acceptable carrier.
55. (New) A vaccine comprising the OMP106 polypeptide of claim 52.
56. (New) A vaccine comprising the OMP106 polypeptide of claim 52 and an adjuvant.